

12-30-99 AF/GP3613 #13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Group Art Unit: 3613
John M. Egnor :
Serial No.:08/828,560 :
Filed: March 31, 1997 : Examiner: Graham, M.
For: STOP FOR EQUIPMENT POSITIONING

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Transmitted herewith for filing is the following:

- (1) Amended Appeal Brief.

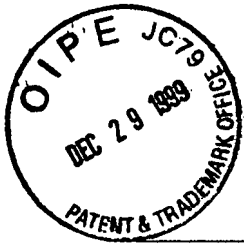
DATE: 12/29/99

RESPECTFULLY SUBMITTED,

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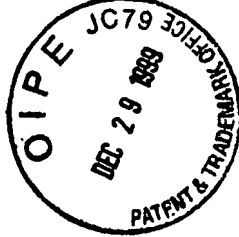
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I hereby certify that the attached Amended Appeal Brief, and stamped self-addressed postcard for filing receipt are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

TIMOTHY W. CHELL, ESQUIRE

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In re Application of:
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Serial No. 08/828,560
Filed: March 31, 1997
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Group Art Unit: 3613
Examiner: Graham, M.

AMENDED APPEAL BRIEF

Real Party In Interest

Mr. John Egnor, Inventor and no assignees or others.

Related Appeals and Interferences

No other appeals and interferences known to appellant or appellant counsel that would have a bearing on this appeal.

Status of Claims

On July 19, 1999, appellant appealed from the final rejections of claims 1-12.

Status of Amendments

The appellant filed an amendment making a minor correction to claim 1 and claim 12. In an office action mailed April 22, 1999 the examiner indicated that the amendments to the claims were entered.

Summary of The Invention

Appellant's invention comprises a stop for equipment positioning and a method for fixably positioning commercial cooking equipment so that it can be located in a fixed position.

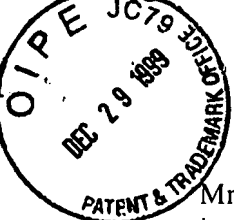
Appellant's method of securing a wheeled article to a surface to prevent an appreciable shifting of the article thereby keeping commercial kitchen equipment within acceptable tolerances of fixed fire suppression systems is accomplished by using a sanitary stop in a fixed position.

Issues

Claim 12 was rejected as being anticipated by Rapp. Rapp claims a non-skid car block which relates to car wheels. Claim 12 of the subject invention is imminent to a process of fixably positioning commercial kitchen equipment. Rapp also only effectively blocks the rotation of a wheel in either a forward to reverse direction. Claim 12 of the subject invention provides a method which not only prevents rotation of a wheel in the forward or reverse direction but also in the critical lateral direction. These elements were not anticipated by Rapp and provide a wholly distinct and different utility than Rapp.

Claims 1 through 6-1, 6-2, 7, 10 and 11 were rejected as obvious in relation to the prior art. The subject claims are a stop for commercial kitchen equipment and a method for securing said equipment. Affidavits were submitted from those skilled in the prior art indicating that this invention is significantly desirable and would be of great benefit to the industry. Specifically, the Affidavit of

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Mr. Louis Endsley who is the Director of Facilities Design and Construction at the Showboat Casino in Atlantic City indicated that many attempts were made by the industry to solve the problem of commercial kitchen equipment being misplaced with respect to fire suppression systems. This invention would be of great benefit to the industry by allowing kitchen equipment to return to within acceptable tolerance of fixed fire suppression systems. Therefore this would allow insurance companies to offer rate benefits to those facilities who employ the invention. It is respectfully submitted that the examiner rejecting the Affidavit of those not skilled in the prior art is conclusionary and does not examine the Affidavits sufficient detail.

Grouping of Claims

All Claims are appealed and it is the inventor's position that the process claim does not fall together with any of the other claims (pursuant to 37 CFR 1.192[c](7)).

Argument

Claim 12 was rejected as being anticipated by Rapp. Rapp claims a non-skid car block which relates to car wheels. Rapp applies to only a very specific automobile movement constraint application that is completely distinct from Appellant's. Commercial kitchen equipment is not self-propelled and not generally placed on highly graded surfaces. Appellant's claim addresses a completely different problem, specifically the jamming in multiple directions in order to maintain specific tolerances to critical fire suppression systems.

Claim 12 of the subject invention provides a method which not only prevents rotation of a wheel in the forward or reverse direction but also in the critical lateral direction. These elements were not anticipated by Rapp and provide a wholly distinct and different utility than Rapp.

Claims 1 through 6-1, 6-2, 7, 10 11 and 12 were rejected as obvious in relation to the prior art. The subject claims are a stop for commercial kitchen equipment and a method for securing said equipment. Affidavits were submitted from those skilled in the prior art indicating that this invention is significantly desirable and would be of great benefit to the industry. Specifically, the Affidavit of Mr. Louis Endsley who is the Director of Facilities Design and Construction at the Showboat Casino in Atlantic City indicated that many attempts have been made by the industry to solve the problem of commercial kitchen equipment being misplaced with respect to fire suppression systems. This invention would be of great benefit to the industry by allowing kitchen equipment to always return to within acceptable tolerance of fixed fire suppression systems. Therefore this would allow insurance companies to offer rate benefits to those facilities who employ the invention.

It is respectfully submitted that the examiner rejecting the Affidavits as those not skilled in the prior art is conclusionary and does not examine the Affidavits in sufficient detail.

The affiants indicate that the invention should meet with commercial success, possibly creating a new and improved fire industry standard. The invention is clearly not obvious as there is a need for the invention that has not been solved.

While we respectfully enter that Appellant's application should be approved on the merits, it is also important to further a public policy that encourages ideas that advance public safety with respect to property damage and personal injury. This is especially important given the relatively narrow application this invention addresses.



Summary

For the foregoing reasons, it is submitted that the examiner's rejections of claims 1-12 were erroneous, and reversal of his decisions is respectfully requested.

Respectfully Submitted,

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